

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-27397-2015
Date of decision: 21.8.2015

Avtar Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.B.S.Sidhu, Advocate for the petitioner.
Mr.Deep Singh, AAG, Punjab.

RAMESHWAR SINGH MALIK, J. (Oral)

Petitioner seeks bail pending trial in FIR No.95 dated 11.6.2015 registered under Sections 420, 406, 201, 148 and 120-B of the Indian Penal Code at Police Station, Kurali, District SAS Nagar.

Learned counsel for the petitioner further submits that the bank, who could have been aggrieved party, is not the complainant but it is the police authorities who on their own have recorded the FIR against the petitioner. He prays for allowing the present petition.

On the other hand, learned counsel for the state submits that a secret information was received and on the basis thereof, FIR was registered. He prays for dismissal of the petition.

Having heard the learned counsel for the parties at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that petitioner is entitled for bail pending trial. It is so said because the bank, who could have been aggrieved party, did not come forward for registration of the FIR against the petitioner. When a pointed question was put to the learned counsel for the State as to how in such a situation, FIR has been registered against the petitioner, he had no answer and rightly so, it being a matter of record.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, the instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

21.8.2015

(RAMESHWAR SINGH MALIK)
JUDGE